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EXAMINER

NGUYEN, DAVID Q

ART UNIT PAPER NUMBER

2617

DATE MAILED: 05/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/822,023

Applicant(s)

CHURT ET AL.

Examiner

David Q. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Tracy et al. (US 6,369,719).

Regarding claim 1, Tracy et al discloses a method of announcing an individual apparatus to a system containing a central apparatus, which comprises the steps of: announcing the individual apparatus to the system using optical communication (see abstract and col. 2, lines 18-67); and storing information about the individual apparatus in the system in the central apparatus (see abstract and col. 2, lines 18-67); and after completing the announcing step, communicating further information through radio communications (see abstract and col. 2, lines 18-67).

Regarding claim 2, Tracy et al also discloses wherein the announcing is effected to the central apparatus (see abstract and col. 2, lines 18-67).

Regarding claim 3, Tracy et al also discloses announcing an intermediary apparatus to the central apparatus (see abstract and col. 2, lines 18-67); announcing the individual apparatus to the intermediary apparatus resulting in an announcement (see abstract and col. 2, lines 18-67); and forwarding the announcement of the individual apparatus from the intermediary apparatus to the central apparatus (see abstract and col. 2, lines 18-67).

Regarding claims 4-9, Tracy et al further discloses performing the optical communication unidirectionally from the individual apparatus doing the announcing to an apparatus for registering the announcing (see abstract and col. 2, lines 18-67); after the announcing has occurred, outputting an acoustic confirmation signal by at least one of an apparatus registering the announcing and the central apparatus (see abstract and col. 2, lines 18-67); forming the system as a radio network (see abstract and col. 2, lines 18-67); forming the system as a data acquisition and data collection system (see abstract and col. 2, lines 18-67); performing the optical communication in an infrared range (see abstract and col. 2, lines 18-67); forming the system as a consumption data acquisition and collection system reporting information relating to at least one electricity consumption, water consumption, gas consumption and heat cost data (see abstract and col. 2, lines 18-67 and fig. 3).

Regarding claim 10, Tracy et al discloses an apparatus for communicating with at least one other apparatus, the apparatus comprising: an optical interface for implementing optical communication with the at least one other apparatus (see abstract and col. 2, lines 18-67), the optical communication providing information about the apparatus for announcing a presence of the apparatus to the at least one other apparatus (see abstract and col. 2, lines 18-67).

Regarding claim 11, Tracy et al discloses a system, comprising: a first apparatus being a central apparatus having a first optical interface for performing optical communication (see abstract and col. 2, lines 18-67); and a second apparatus selected from the group consisting of an individual apparatus and an intermediary apparatus and having a second optical interface for performing optical communication with said first optical interface (see abstract and col. 2, lines 18-67), the optical communication only providing information about said second apparatus for announcing a presence of said second apparatus to said first apparatus (see abstract and col. 2, lines 18-67).

Regarding claims 12-13, Tracy et al also discloses the system is a data acquisition and data collection system (see abstract and col. 2, lines 18-67); said central apparatus is a master data collector (see abstract and col. 2, lines 18-67); said intermediary apparatus is a data collector (see abstract and col. 2, lines 18-67); and said individual apparatus is a terminal apparatus and data communication between said apparatuses is effected by way of radio (see abstract and col. 2, lines 18-67); wherein the system is a consumption data acquisition and collection system reporting information relating to at least one electricity consumption, water consumption, gas consumption and heat cost data (see abstract and col. 2, lines 18-67 and fig. 3).

Regarding claim 14, Tracy et al discloses a system, comprising: a first apparatus being a central apparatus having a first optical interface for performing optical communication (reporting information relating to at least one electricity consumption, water consumption, gas consumption and heat cost data (see abstract and col. 2, lines 18-67 and fig. 3); a second apparatus being an individual apparatus and having a second optical interface for performing optical communication (reporting information relating to at least one electricity consumption, water consumption, gas

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consumption and heat cost data (see abstract and col. 2, lines 18-67 and fig. 3); and a third apparatus being an intermediary apparatus and having a third optical interface for performing optical communication (see abstract and col. 2, lines 18-67 and fig. 3), said third optical interface communicating with said first and second optical interfaces (see abstract and col. 2, lines 18-67 and fig. 3), the optical communication providing information about said second and third apparatuses for announcing a presence of said second and third first apparatuses to said first apparatus (see abstract and col. 2, lines 18-67 and fig. 3).

Regarding claim 15, Tracy et al also discloses wherein: the system is a data acquisition and data collection system; said central apparatus is a master data collector; said intermediary apparatus is a data collector; and said individual apparatus is a terminal apparatus and data communication between said first, second and third apparatuses is effected by way of radio (see abstract and col. 2, lines 18-67 and fig. 3).

Regarding claim 16, Tracy et al also discloses wherein the system is a consumption data acquisition and collection system reporting information relating to at least one electricity consumption, water consumption, gas consumption and heat cost data (see abstract and col. 2, lines 18-67 and fig. 3).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tsumura (US 2002/0198028 A1) teaches telephone regulation system and portable telephone terminal device used in such a system.

Merriam et al. (US 5,010,568) teaches remote meter reading method and apparatus.

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Gastouniotis et al. (Us 4,940,976) teaches automated remote water meter readout system.

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Q. Nguyen whose telephone number is 571-272-7844. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOSEPH H. FEILD can be reached on (571)272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DN

David Nguyen


JOSEPH FEILD
SUPERVISORY PATENT EXAMINER